

SECOND REGULAR SESSION

SENATE BILL NO. 801

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Read 1st time January 4, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4061S.011

AN ACT

To repeal section 115.077, RSMo, and to enact in lieu thereof one new section relating to election costs.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 115.077, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 115.077, to read as follows:

115.077. 1. Special districts, cities, townships in township organization
2 counties, villages and the state shall pay the election costs required by this
3 subchapter to each election authority conducting its elections.

4 2. Not later than the fifth Tuesday prior to any election to be conducted
5 for the state, a special district or political subdivision, the election authority shall
6 estimate the cost of conducting the election for the state and each political
7 subdivision and special district submitting a candidate or question at the
8 election. Not later than the third Tuesday prior to the election, the state, each
9 special district and political subdivision submitting a candidate or question at the
10 election, except the county, shall deposit with the election authority an amount
11 equal to the estimated cost of conducting the election for the state, the political
12 subdivision or special district. All payments of election costs received by an
13 election authority under the provisions of this subsection shall be placed by the
14 election authority in a special account and used by the election authority only to
15 pay the costs incurred in conducting the election. If the amount paid to an
16 election authority by the state or any political subdivision or special district
17 exceeds the cost of conducting the election for the state, political subdivision or
18 special district, the election authority shall promptly refund to the state, political
19 subdivision or special district the difference between the amount deposited with

20 it and the cost of conducting the election. If the amount deposited with an
21 election authority by the state or any political subdivision or special district is
22 less than the cost of conducting the election for the state, political subdivision or
23 special district, the state, political subdivision or special district shall, not later
24 than the fifth Tuesday after the election, pay to the election authority the
25 difference between the amount deposited and the cost of conducting the election.

26 3. Except as provided in section 115.061, all payments of election costs
27 received by an election authority under the provisions of this section shall be
28 placed by the election authority in a special account and used by the election
29 authority only to pay the costs incurred in conducting elections.

30 4. When the state or any political subdivision or special district willfully
31 fails to make payment of an election cost required by this subchapter by the time
32 provided in this subchapter, it shall pay a penalty of fifty dollars for each day
33 after the time provided in this subchapter proper payment is not made. Any such
34 penalty shall be payable to the election authority authorized to receive payment
35 of the election cost and shall be deposited in the general revenue fund of such
36 election authority's city or county. **An election authority shall not certify**
37 **election results to the state, political subdivision, or special district**
38 **until such proper payment of election costs and penalties, if applicable,**
39 **are made.**

40 5. There is hereby created the "State Election Subsidy Fund" in the state
41 treasury which shall be funded by appropriations from the general assembly for
42 the purpose of the state making advance payments of election costs as required
43 by this section. To meet the state's funding obligation to maintain expenditures
44 pursuant to Section 254(a)(7) of the Help America Vote Act of 2002, the
45 commissioner of the office of administration shall annually transfer from general
46 revenue to the state election subsidy fund an amount not less than the amount
47 expended in the fiscal year that ended June 30, 2000. At the end of each fiscal
48 year, any amounts in the state election subsidy fund not expended or obligated
49 to meet the state's obligations pursuant to section 115.065 and this section shall
50 be transferred to the election administration improvements fund authorized
51 pursuant to section 115.078 and used to meet the maintenance of effort funding
52 requirements of Section 254(a)(7) of the Help America Vote Act of 2002. Any
53 other law to the contrary notwithstanding, the funds received pursuant to
54 Sections 251 and 252 of the Help America Vote Act of 2002 shall be expended
55 according to the state plan developed pursuant to the provisions of Section 254

56 of said act. The secretary of state shall develop the state plan through the
57 committee appointed by the secretary of state under the provisions of Section 255
58 of the Help America Vote Act of 2002.

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